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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,634	10/08/2003	Prakash Parayil Mathew	138065UL (MHM 15115US01)	6101
23446 7590 01/23/2009 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER RAMIREZ, JOHN FERNANDO				
ART UNIT		PAPER NUMBER		
3737				
MAIL DATE		DELIVERY MODE		
01/23/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/681,634

**Applicant(s)**

MATHEW, PRAKASH PARAYIL

**Examiner**

JOHN F. RAMIREZ

**Art Unit**

3737

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: NONE.  
Claim(s) objected to: NONE.  
Claim(s) rejected: 1,4-10,13,14,16-19 and 21-23.  
Claim(s) withdrawn from consideration: 2,3,11,12,15,20 and 24-27.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Long V Le/  
Supervisory Patent Examiner, Art Unit 3768

/J. F. R./  
Examiner, Art Unit 3737

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's remarks in regards to claims 1, 10 and 19 have been fully acknowledged. Applicant asserts that the combination of Hastings, Shamrao and Kinicki does not teach or suggest "user preference information with respect to imaging capabilities of said medical imaging device is associated with the stored biometric data and with the personal identification information," as recited in claim 1. Furthermore, the combination of the three references, does not describe "personal identification information and user preference information with respect to imaging capabilities of said medical imaging device are associated with the stored biometric data," as recited in claim 10. Further, none of these references, alone or in combination with one another, describes "storing individual imaging preferences for the medical imaging system as user preference information and associating the user preference information with the biometric data and the personal information," as recited in claim 19. However, the examiner of record respectfully disagrees with applicant's arguments. As argued in the final office action dated 08/19/08, Hastings discloses a method and a system of registering to use a medical imaging system (abstract) by inputting a biometric identifier into a biometric authorization unit (abstract, col. 1, lines 40-54, col. 2, lines 19-39) to enabling imaging use of the medical imaging system when biometric data input at the biometric authorization unit matches stored biometric data (col. 2, lines 34-39), wherein the biometric identifier is at least one of a fingerprint, handprint, voice, iris, retina, and facial thermogram (column 3, lines 20-40). Hastings does not expressly teach the steps of inputting personal information into the system, associating biometric data extracted from the biometric identifier with the personal information, storing the biometric data and associated personal information after initial registration, and associating preference information with the stored biometric data and with the personal identification number. However, ShamRao teaches the steps of inputting personal information into the system, associating biometric data extracted from the biometric identifier with the personal information, storing the biometric data and associated personal information after initial registration, and associating preference information with the stored biometric data and with the personal identification number (In ShamRao, see abstract, figures 2-3, 7, see par. 0009-0013, 0031,0061 ). Hastings and ShamRao do not appear to specifically disclose that the user preference information is with respect to imaging capabilities of the medical imaging device. However, Kinicki et al. teach a method of entering, storing, retrieving and utilizing the configuration settings for a plurality of registered users of an ultrasound system: a. Entering configuration settings into the ultrasound imaging system for a plurality of the registered users (Column 2, Lines 36 - 37); b. Storing the entered configuration settings (Column 2, Lines 54 - 55); c. When enabling the individual to use the ultrasound imaging system retrieving the stored configuration settings for the individual (Column 2, Lines 56 - 57); and d. Automatically configuring the ultrasound imaging system according to the retrieved configuration settings (Column 2, Lines 23 - 59). Accordingly, Kinicki complements the disclosing of Hastings by teaching a way to simplify the use of an ultrasound imaging system, and save time, by providing predetermined preset modes. Therefore, it would have been prima facie obvious to modify the ultrasound imaging system and user authorization system and method of Hastings and ShamRao to include user preset modes as taught by Kinicki et al. to obtain the invention in the instant Claims 1, 10 and 19.